

ROBERT JOSEPH CARRILLO,	)	
	)	
Plaintiff(s),	)	No. C 06-3220 CRB (PR)
	)	
vs.	)	ORDER OF DISMISSAL
	)	
THE PEOPLE OF CALIFORNIA, et	)	(Docs # 2 & 4)
al.,	)	
	)	
Defendant(s).	)	
	)	

Plaintiff's action must be dismissed without prejudice because it is well-established that any claim by a prisoner attacking the fact or duration of his confinement must be brought under the habeas sections of Title 28 of the United States Code. See Calderon v. Ashmus, 523 U.S. 740, 747 (1998); Edwards v. Balisok, 520 U.S. 641, 648 (1997); Preiser v. Rodriguez, 411 U.S. 475, 500 (1973). Plaintiff's civil rights action seeking dismissal of his convictions and/or release from prison is dismissed without prejudice to filing a petition for writ of

1 habeas corpus under 28 U.S.C. § 2254. See Trimble v. City of Santa Rosa, 49  
2 F.3d 583, 586 (9th Cir. 1995).

3 Plaintiff is advised that he must file a separate petition for a writ of habeas  
4 corpus under 28 U.S.C. § 2254, and exhaust state judicial remedies, as to each  
5 state conviction he wishes to challenge in federal court. See 28 U.S.C. §  
6 2254(b)-(c). And to whatever extent plaintiff may wish to challenge the  
7 conditions of his confinement, he must file a civil rights complaint under 42  
8 U.S.C. § 1983 after exhausting all available administrative remedies. See 42  
9 U.S.C. § 1997e(a).

10 The clerk shall mail plaintiff a court-approved habeas petition form and a  
11 court-approved prisoner civil rights complaint form, enter judgment in  
12 accordance with this order, terminate all pending motions as moot (see, e.g., docs  
13 # 2 & 4), and close the file. No fee is due.

14 SO ORDERED.

15 DATED: June 2, 2006



16 CHARLES R. BREYER  
17 United States District Judge  
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